

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 07-235(DWF/JSM)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	<b>PLEA AGREEMENT AND</b>
v.	)	<b>SENTENCING STIPULATIONS</b>
	)	
MOHAMMED HADI AL JEBORY,	)	
Defendant.	)	

The United States by its attorneys, Frank J. Magill, Jr., Acting United States Attorney for the District of Minnesota, and Tracy L. Perzel, Assistant United States Attorney, and the defendant, Mohammed Hadi Al Jebory and with his attorney, Doug Myren, Esq., hereby agree to dispose of this case on the terms and conditions that follow. This plea agreement is binding only on the defendant and the United States Attorney's Office for the District of Minnesota. This agreement is not binding upon any other United States Attorney's Office or any other federal or state agency.

1. Charges. The defendant agrees to plead guilty to count 2 of the Indictment. Count 2 alleges on or about February 2, 2007, in the State and District of Minnesota, the defendant, Mohammed Hadi Al Jebory knowingly possessed firearms, to wit, a Raven Arms Model MP25 .25 caliber semiautomatic pistol bearing serial number 18888426 and a C.A.I. model PA-63 9mm caliber semiautomatic pistol bearing serial number L060445, in furtherance of a drug trafficking crime which may be prosecuted in a court of the United States; that is, the offense set forth in Count 1 of the Indictment, which count is hereby realleged and fully incorporated herein by reference, in

violation of Title 18, United States Code, Section 924(c)(1). The United States will dismiss Count 1 at the sentencing.

2. Factual Basis. The defendant stipulates and agrees to the following facts and further agrees that, were this matter to go to trial, the United States would prove the following facts beyond a reasonable doubt: on or before February 2, 2007, in the State and District of Minnesota, the defendant knowingly possessed a Raven Arms Model MP25 .25 caliber semiautomatic pistol bearing serial number 18888426 and a C.A.I. model PA-63 9mm caliber semiautomatic pistol bearing serial number L060445; the defendant possessed the C.A.I. model PA-63 9mm caliber semiautomatic pistol bearing serial number L060445 specifically in furtherance of distributing and possessing with intent to distribute cocaine base and cocaine both individually and with other persons; the defendant engaged in these acts voluntarily and knew his acts violated the law.

3. Statutory Penalties. The parties agree that the offenses charged in the indictment and to which the defendant is pleading guilty carry statutory penalties of:

- a. a mandatory minimum of five years imprisonment;
- b. a maximum of life imprisonment;
- c. a fine of up to \$250,000;
- d. a supervised release term of up to five years;
- e. a mandatory special assessment of \$100; and
- f. possible denial of federal benefits under 21 U.S.C. § 862(a)(1).

4. Revocation of Supervised Release. The defendant understands that if he were to violate any condition of supervised release, he could be sentenced to an additional term of imprisonment up to the length of the original supervised release term, subject to the statutory maximums set forth in 18 U.S.C. § 3583.

5. Guideline Calculations. The defendant will be sentenced in accordance with the Federal Sentencing Act, 18 U.S.C. § 3551, *et seq.*, in light of the Supreme Court's decision in United States v. Booker, which makes the Guidelines advisory but also requires the Court to consider the Guidelines range in determining the appropriate sentence. The defendant understands that the proper application of those Guidelines is a matter solely within the discretion of the Court. The parties understand that the parties' Guidelines analysis is not binding on the Court. If the Court does not accept the parties' Guidelines analysis, the defendant may not withdraw from the plea agreement based upon that ground and will be sentenced pursuant to the Court's determinations. The parties agree that the applicable Guidelines calculations and Guidelines range are identified below.

a. Guideline range. The guideline sentence is the minimum term of imprisonment required by statute, which in this case is the mandatory minimum of five years. (U.S.S.G. § 2K2.4(b); 18 U.S.C. § 924(c)(1)(A)(i).) Chapters 3 (Adjustments) and 4

(Criminal History and Criminal Livelihood) do not apply to this offense. (U.S.S.G. §2K2.4(b).)

b. Fine Range. The Court may assess a fine of up to \$250,000.

c. Supervised Release. The defendant is subject to a term of supervised release of at least three but not more than five years, as this is a Class A felony. (U.S.S.G. § 5D1.2(a)(1); 18 U.S.C. 3583(b)(1).)

6. Special Assessment. Title 18, United States Code, Section 3013 and the Guidelines require payment of a special assessment in the amount of \$100.00 for each felony count for which the defendant is convicted. (18 U.S.C. § 3013(a)(2)(A); U.S.S.G. § 5E1.3). The defendant agrees to pay the special assessment of \$100.

7. Waiver of Appeal and Collateral Attack. The defendant understands that 18 U.S.C. § 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this right, and in exchange for the concessions made by the United States in this plea agreement, the defendant hereby waives all rights conferred by 18 U.S.C. § 3742 to appeal his sentence, unless the total sentence imposed exceeds 60 months. In addition, the defendant expressly waives the right to petition under 28 U.S.C. § 2255. The defendant has discussed these rights with the defendant's attorney. The defendant understands the rights being

waived, and the defendant waives these rights knowingly, voluntarily and intelligently.

8. Forfeiture. The defendant agrees to forfeit to the United States, pursuant to 18 U.S.C. § 924(d), in conjunction with 28 U.S.C. § 2461(c), a Raven Arms Model MP25 .25 caliber semiautomatic pistol, serial number 1888426, and a C.A.I. model PA-63 9 mm caliber semiautomatic pistol, serial number L060445. The defendant agrees that these firearms are subject to forfeiture based on his plea of guilty to Count 2 of the Indictment.

a. The defendant agrees that, pursuant to Fed. R. Crim. P. 32.2(b)(2) and (3), the Court may enter a Preliminary Order of Forfeiture for the above-described firearms immediately upon the entry of the defendant's guilty plea, which order will be final as to the defendant immediately upon filing of the Preliminary Order of Forfeiture. The order of forfeiture shall be made a part of the defendant's sentence and included in the Judgment.

b. The defendant agrees to waive any claims, defenses or challenges to the forfeiture of the above-described firearms arising under the Constitution, and agrees that he will not contest or challenge in any manner (including direct appeal, habeas corpus, or any other means) such forfeiture on any grounds. The defendant understands that he may not re-acquire any right, title or interest in either of the firearms described above, directly or indirectly, through family members or others acting in concert with him.

c. The defendant agrees that the forfeiture of the defendant's property shall not be treated as satisfaction of any tax obligation owed the United States or any monetary obligation owed to the United States, including a fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to forfeiture.

d. Nothing in this agreement shall be construed as a waiver of the United States' right to proceed against any of the defendant's property not identified in this agreement or other related civil forfeiture actions if said property, real or personal, tangible or intangible, is subject to forfeiture under federal law.

9. Complete Agreement. This Plea Agreement and Sentencing Stipulations accurately contains the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Dated: FRANK J. MAGILL, JR.  
Acting United States Attorney

BY: TRACY L. PERZEL  
Assistant United States Attorney

Dated: \_\_\_\_\_  
MOHAMMED HADI AL JEBORY  
Defendant

Dated: \_\_\_\_\_  
DOUGLAS MYREN, ESQ.  
Attorney for Defendant